



Department of Planning, Housing, & Community Development

Mayor, Richard C. David
Director, Jenny Skeadas-Sherry, AICP

STAFF REPORT

TO: Zoning Board of Appeals Members
FROM: Planning, Housing and Community Development
DATE: August 20, 2014
SUBJECT: 254 Front Street; Area Variance
TAX ID #: 144.80-3-10
CASE: 2014-23

A. REVIEW REQUESTED

This application would provide for the conversion of a single-family dwelling into a two-family dwelling. The subject parcel has a width of 43 feet. The minimum allowable lot width for a two-family dwelling in the R-3 Multi Unit Dwelling District is 60 feet, thereby necessitating an area variance for the proposal.

In granting an area variance, the Zoning Board of Appeals must weigh the benefit to the applicant if the variance is granted against the detriment to the health, safety, and welfare of the neighborhood or community by such a grant. The following must also be considered:

- (a). **Undesirable change**: Whether an undesirable change will be produced in the character of the neighborhood, or whether a detriment to nearby properties will be created;
- (b). **Reasonable alternative**: Whether the Applicant can achieve his goals via a reasonable alternative that does not involve the necessity of an area variance;
- (c). **Substantial request**: Whether the variance requested is substantial;
- (d). **Physical and Environmental Conditions**: Whether the requested variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district;
- (e). **Self-created hardship**: Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Zoning Board of Appeals, in granting an area variance, shall grant the minimum variance that it shall deem necessary and adequate, and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

B. SITE REVIEW

The subject site is located on the east side of Front Street between Gaines Street and McDonald Avenue, on a 10,340 square foot parcel.

The vast majority of properties in the vicinity are improved with two-family dwellings. There is also a large storage facility immediately to the north of the subject site. The majority of residential properties in the vicinity are very similar to the subject parcel in lot width and square footage.

C. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

235 Front Street: In April of 2007, the ZBA approved an area variance for minimum lot area per dwelling unit for a conversion of a single-family residence into a two-family residence in an R-3, Residential Multi-Unit Dwelling district.

D. ENVIRONMENTAL IMPACT

The granting of individual setback and lot line variances is a SEQR **Type 2** Action. No further environmental review or actions under SEQR are required.

E. STAFF FINDINGS

Planning Staff has made the following findings:

- 1. The Zoning Board of Appeals must determine if the requested variance will produce an undesirable change in the character of the neighborhood.**

The proposal would not produce an undesirable change in the neighborhood. There are many legal non-conforming two-family and multi-family dwellings in the vicinity that are situated in similarly sized lots. The applicant's proposal also includes substantial renovations to the property that would improve the overall character of the neighborhood.

- 2. The Zoning Board of Appeals must determine if there are any reasonable alternatives to the proposed variances.**

There is no reasonable alternative that would allow a two-family dwelling on the subject parcel.

- 3. The Zoning Board of Appeals must determine if the proposed area variances are substantial.**

A lot width variance of 13 feet could be considered substantial. However, it should be noted that the variance would not make the subject property atypical in the neighborhood.

- 4. The Zoning Board of Appeals must determine whether the alleged difficulty was self created.**

The difficulty is self-created. The applicant would not require a variance for the property if the proposal did not include a change of use from a single-family dwelling to a two-family dwelling.

F. ENCLOSURES

Enclosed is a copy of the plans and site photographs.